

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2020/0067(COD)</p>	Procedure completed
<p>Provision of port services and financial transparency of ports: enabling managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak</p> <p>Amending Regulation 2017/352 2013/0157(COD)</p> <p>Subject</p> <p>2.40 Free movement of services, freedom to provide</p> <p>2.40.02 Public services, of general interest, universal service</p> <p>2.80 Cooperation between administrations</p> <p>3.20.03 Maritime transport: passengers and freight</p> <p>3.20.09 Ports policy</p> <p>4.20 Public health</p> <p>4.20.01 Medicine, diseases</p> <p>Legislative priorities</p> <p>The EU's response to the Covid-19 pandemic</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		
Council of the European Union			
European Economic and Social Committee			
European Committee of the Regions			

Key events			
29/04/2020	Legislative proposal published	COM(2020)0177	Summary
13/05/2020	Committee referral announced in Parliament, 1st reading		
13/05/2020	Decision by Parliament, 1st reading	T9-0128/2020	Summary
25/05/2020	Act adopted by Council after Parliament's 1st reading		
25/05/2020	Final act signed		
26/05/2020	End of procedure in Parliament		
27/05/2020	Final act published in Official Journal		

Technical information	
Procedure reference	2020/0067(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2017/352 2013/0157(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2; Rules of Procedure EP 170
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/02873

Documentation gateway					
Legislative proposal		COM(2020)0177	29/04/2020	EC	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0128/2020	13/05/2020	EP	Summary
Draft final act		00015/2020/LEX	25/05/2020	CSL	
Commission response to text adopted in plenary		SP(2020)229	10/06/2020	EC	

Final act
Regulation 2020/697 OJ L 165 27.05.2020, p. 0007 Summary

Provision of port services and financial transparency of ports: enabling managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak

PURPOSE: to enable managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: the outbreak of COVID-19 is having a serious impact on maritime transport and on the financial sustainability of operators and is likely to continue to have an impact throughout 2020.

[Regulation \(EU\) 2017/352](#)

of the European Parliament and of the Council requires Member States to ensure that port infrastructure charges are levied by a managing body of a port or by a competent authority. There is no exception from this obligation to levy charges, not even in exceptional circumstances.

However, in view of the consequences of the COVID-19 outbreak, it is appropriate to allow Member States to provide the managing bodies of a port or the competent authorities with the possibility to waive, suspend, reduce or defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 December 2020.

CONTENT: the Commission therefore proposes to amend Regulation (EU) 2017/352 which establishes a framework for the provision of port services and common rules on the financial transparency of ports.

It is proposed that the new transitional provision shall provide Member States with the option to allow managing bodies of a port or competent authorities to decide whether to:

- waive (condone, i.e. not require the payment at all); or
- suspend (freeze or put on hold the payment for a certain time period); or
- reduce (decrease the payment); or
- defer (require the payment at a later point in time) the payment of the port infrastructure charges.

As the duration of the impact on maritime transport of the outbreak of COVID-19 is uncertain and in order to allow for sufficient flexibility for the sector, the new transitional provision shall apply to port infrastructure charges due for the period between 1 March 2020 and 31 December 2020.

This new provision also stipulates that the managing body of a port or the competent authority shall ensure that port users and the representatives or associations of port users are informed accordingly. The time limit of two months referred to in Regulation (EU) 2017/352 shall not apply.

Provision of port services and financial transparency of ports: enabling managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak

The European Parliament adopted by 531 votes to 141, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/352, so as to enable managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak.

It should be noted that a proposal to reject the Commission proposal, tabled by the Green/EFA group, was rejected in plenary.

Parliament adopted its position at first reading under the ordinary legislative procedure. As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act.

The proposed Regulation aims at ensuring the financial stability of ship operators in the context of the COVID-19 outbreak by relaxing the current rule requiring Member States to ensure the payment of a port infrastructure charges.

In view of the consequences of the COVID-19 outbreak, the new transitional provision provides the managing bodies of a port or the competent authorities with the possibility to waive, suspend, reduce or defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 December 2020.

The waiver, suspension, reduction or deferral of the port infrastructure charge must be granted in a transparent, objective and non-discriminatory way to all port users subject to port infrastructure charges.

Provision of port services and financial transparency of ports: enabling managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak

PURPOSE: to ensure the financial sustainability of ship operators in the context of the COVID-19 pandemic by introducing temporary flexibility in port services.

LEGISLATIVE ACT: Regulation (EU) 2020/697 of the European Parliament and of the Council amending Regulation (EU) 2017/352, so as to allow the managing body of a port or the competent authority to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak.

CONTENT: under [Regulation \(EU\) 2017/352](#) of the European Parliament and of the Council, Member States are required to ensure that port infrastructure charges are levied.

The spread of COVID-19 is having a serious negative impact on the shipping industry. The serious consequences for maritime transport services and the use of port infrastructure have been pervasive since the beginning of March 2020 and are expected to continue throughout 2020.

In this context, the new transitional provision introduced gives the manager of a port or the competent authority the possibility to decide to waive, suspend, reduce or defer the collection of port infrastructure charges for the period from 1 March 2020 to 31 October 2020.

The port manager or the competent authority shall ensure that port users and representatives or associations of port users are informed accordingly.

The waiver, suspension, reduction or deferral of the payment of port infrastructure charges shall be granted in a transparent, objective and non-discriminatory way.

The provisions of the Regulation shall also apply to port infrastructure charges due for a period prior to its entry into force.

ENTRY INTO FORCE: 28.5.2020.